

**Town of Jefferson, Schoharie County, New York Comprehensive Plan  
2008**

**APPENDIX F - Draft Manufactured Home Law**

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**§ 1 GENERAL PROVISIONS**

BE IT ENACTED by the Town Board of the Town of Jefferson, Schoharie County, New York, as follows:

**A. Purpose**

The purpose of this Law is to promote the general welfare of the Town of Jefferson, including the retention of its rural character, preservation of the qualities of its natural environment, and the protection of its inhabitants by establishing specific requirements and regulations governing the occupancy and maintenance of mobile (manufactured) home parks.

**B. Severability**

Should any section or provision of this Law be decided by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of the Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

**C. Definitions**

For the purpose of this Law, the following words, terms and phrases shall have the meaning ascribed to them in this section:

- 1) *Mobile Home (a/k/a "Manufactured Home")*. A factory-built single-family dwelling constructed on a chassis to facilitate its transportation to the site. Such structures shall be self-contained single units (excludes modular homes), and shall meet the Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development and applicable standards of the New York State Uniform Fire Prevention and Building Code. A mobile home shall not be construed to be a travel trailer or a recreational vehicle. Double-wide units shall be considered mobile homes, not modular homes.
- 2) *Manufactured Home Lot*. A designated site of specific total land area which is located within a manufactured home park for the accommodation of one mobile home and its occupants.
- 3) *Manufactured Home Park*. A parcel or contiguous parcels or land which has been designated and improved for the purpose of placing five (3) or more manufactured homes for occupancy as single-family dwellings.
- 4) *Manufactured Home Stand*. A durable surface located on a manufactured home lot which is capable of supporting and which is used for placement of a manufactured home.
- 5) *Modular Home*. A factory-built dwelling which is not constructed on a chassis so as to allow repeated towing.

**§ 2 LICENSES**

**A. Licenses Required for Manufactured Home Parks**

No person, partnership, association or corporation, being the owner or occupant of any land within the Town of Jefferson, shall use or allow the use of such land for a manufactured home park unless a license has been obtained as herein provided.

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**B. Issuance of License**

- 1) The Town Code Enforcement Officer of the Town of Jefferson shall issue a license after approval of the application by the Town Planning Board. The Board shall apply land development/site plan review criteria contained in the Town of Jefferson Rural Land Development Law. Said license shall be effective from the date of issuance until surrendered by the licensee or revoked by the Code Enforcement Officer and shall be renewed annually based on an inspection by the Code Enforcement Officer as to continued compliance with the standards of this Law.
- 2) No license shall be issued until the Code Enforcement Officer has received;
  - (a) A written application from the applicant on the form provided by the Town Code Enforcement Officer.
  - (b) The required fee as herein provided. Such fees shall be set by resolution of the Town Board.
  - (c) Evidence there is a, or will be a New York State Approved sewage disposal system designed by a Licensed Professional Engineer.
- (3) The license shall be transferred to a new owner of a manufactured home park provided all of the requirements of this Chapter are met and provided the Town is so notified.

**C. Supplemental License**

- (1) Any person holding a license for a manufactured home park who desires to add additional lots to such park shall file an application for a supplemental license.
- (2) The application for such supplemental license must be accompanied by four sets of plans and specifications and shall be filed and processed as provided herein for new manufactured home parks.
- (3) When approved, the Town Code Enforcement Officer shall issue a supplemental license which will be effective from the date of issuance and continue until surrender by the licensee or revocation by the Code Enforcement Officer.

**D. Licensing Fees**

The applicant shall pay the Town such a fee(s) as are established by resolution of the Town Board. Fees may be assessed for both the initial license and to cover subsequent inspections on a periodic basis.

**§ 3 APPLICATION**

**A. Procedure**

- 1) Each application for a manufactured home park license shall be in writing and signed by the applicant.
- 2) Four (4) copies of the application and plans and related information shall be filed with the Code Enforcement Officer on a form supplied by the Code Enforcement Officer. No application shall be deemed filed until all required information shall have been filed with the

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- Town of Jefferson Planning Board. The Planning Board shall advise the applicant of any such deficiencies within thirty (30) days of its receipt thereof.
- 3) The Code Enforcement Officer promptly shall transmit copies of the application and plans to the Town Planning Board who shall process the application pursuant to the Town of Jefferson Rural Land Development Law.
  - 4) The Code Enforcement Officer, within ten (10) days of the filing of the Planning Board decision shall issue the license provided approval has been granted and all other requirements of this Law are met.
  - 5) Any disapprovals shall be in writing and include the reasons therefore. The Code Enforcement Officer shall not issue a license, in any instance, where the Board has not approved the Land Development/Site Plan. If the application is disapproved, the applicant shall have the right to appeal pursuant to Article 78 of the Civil Practice Law and Rules.

**B. Application Data**

- 1) Each application shall be accompanied by four (4) complete sets of plans which have been prepared by a licensed land surveyor or engineer.
- 2) Each application shall contain the following information:
  - (a) The name and address of the applicant; or the name and address of each partner if the applicant is a partnership; or the name and address of each officer and director if the applicant is an association or corporation including principal shareholders (more than 5% ownership).
  - (b) The description of the land that is proposed to be used as a manufactured home park, together with a map showing its location in the Town.
  - (c) The number of lots to be provided in such manufactured home park.
  - (d) The names and addresses of the owners of the property on which the manufactured home park is to be located and a written statement signed by the owners consenting that the premises is to be used for a manufactured home park.
- 3) Four (4) copies of a location map shall be presented with the application which shows all land within 300 feet of the park, the location of all streets and roads adjacent to and within the park and the location of all water and sewer lines and utilities adjacent to and within the park.
- 4) Proposed development. The application shall be accompanied by four copies of a development plan showing the following:
  - (a) The location and widths of all entrances, exits and streets.
  - (b) The location, size and arrangement of each lot within the park.
  - (c) The method and plan for electric lighting.
  - (d) The location and plan of all proposed structures and improvements.
  - (e) Plans for landscaping.

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- (f) Storm water drainage.
  - (g) Utilities.
  - (h) Off-street parking facilities.
  - (i) Fencing and screening.
  - (j) Signs and other structures.
  - (k) Names of owners of adjoining properties.
  - (l) Recreational facilities.
  - (m) Location and type of trash receptacles.
  - (n) All other applicable information required by the Town Site Plan Review Law.

**§ 4 REQUIREMENTS**

**A. Site**

- 1) The park shall be located on a well-drained site which is properly graded to ensure rapid drainage and free at all times from stagnant pools of water.
- 2) The park shall be at least ten (10) acres in size and have at least three-hundred (300) feet frontage on a public road. Additional park land must be contiguous to the existing park and shall not be bisected by a public road except to the extent a new such road may be approved as part of the plan.

**B Manufactured Home Lots**

- 1) Each manufactured home park shall be marked off into manufactured home lots.
- 2) Reserved.
- (3) Each manufactured home lot shall have a total area of not less than 8,000 square feet.
- (4) No more than (1) manufactured home shall be placed on any manufactured home lot.
- (5) The lot numbers shall be legibly noted for each lot on the plans submitted

**C Manufactured Home Placement**

All manufactured homes shall be parked or otherwise be located:

- 1) At least fifty (50) feet from an adjacent manufactured home.
- 2) At least seventy-five (75) feet from an adjacent property line.
- 3) At least seventy-five (75) feet from right of way line of public street or highway.
- 4) At least twenty-five (25) feet from the nearest edge of any roadway located within the park.

**D. Manufactured Home Stand**

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Each manufactured home lot shall have a manufactured home stand which will provide for the practical placement on a permanent foundation or the lot of both the manufactured home and its appurtenant structures and provide for the retention of the home on the lot in a stable condition.

**E. Accessibility and Lighting**

- 1) Each manufactured home park shall be accessible from an existing public highway or street.
- 2) Where a manufactured home park has more than sixteen (16) manufactured homes, two (2) points of entry and exit shall be provided.
  - (a) Such entrances and exits shall be designed and strategically located for the safe and convenient movement into and out of the park and to minimize friction with the free movement of traffic on a public highway or street.
  - (b) No individual manufactured home shall have direct access to a State, County or Town road without first entering a street or driveway in the manufactured home park leading to an exit. This requirement may be waived by the Planning Board for good cause in the case of individual park lots.
  - (c) All entrances and exits shall be free of any material which would impede the visibility of the driver on a public highway or street.
  - (d) All entrances and exits shall be of sufficient width to facilitate the turning movements of vehicles with manufactured homes attached and shall be at least fifty (50) feet in width.
- 3) Each manufactured home park shall have roads to provide for the convenient access to all manufactured home lots and other facilities within the park.
  - (a) The road system shall be so designed to permit the safe and convenient vehicular circulation within the park. All streets shall be provided with safe, dustless all-weather surfaces.
  - (b) All roads shall have the following minimum pavement widths:
    - I. One way traffic movement - 12 feet
    - II. Two way traffic movement - 20 feet
  - (c) The roads shall be constructed in accord with the requirements set forth in the Town Subdivision Law and Town highway specifications.
  - (d) Except in cases of emergency, no parking shall be allowed on such street unless such street is at least 28 feet wide, in which case parallel parking shall be allowed on one side of the street only.
- 4) All means of egress, drives and public places shall be adequately lighted.
- 5) One non-flashing, illuminated sign shall be permitted on the park. Such sign shall not be greater than thirty-two (32) square feet in area and shall not extend more than eight (8) feet above ground level. Such sign shall be located at least 20 feet from any property line or street right-of-way line and meet all other applicable sign requirements of the Town of Jefferson.

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**F. Parking**

- 1) Two (2) off-street parking spaces shall be provided on each manufactured home lot. Each space shall have a minimum width of nine (9) feet and a minimum length of twenty (20) feet
- 2) One off-street parking space or common area, readily accessible to the occupants of the manufactured homes it is intended to serve, shall be provided for each five (5) manufactured home sites to accommodate guests and delivery and service vehicles.

**G. Utilities and Service Facilities**

The following utilities and services shall be provided in each manufactured home park in accordance with the regulations and requirements of the Schoharie County Department of Health:

- 1) An adequate supply of pure water meeting Schoharie County Department of Health standards for drinking and domestic purposes shall be supplied by pipes to manufactured home lots and buildings within the park. Documentation of compliance with the Department of Health's requirements shall be provided.
- 2) Each manufactured home lot shall be provided with a sewer, which shall be connected to the manufactured home situated on the lot, to receive the waste from the shower, tub, flush toilet lavatory and kitchen sink in such home. The sewer shall be connected to a public or private off-site sewer system meeting Schoharie County Department of Health standards so as not to present a health hazard. Sewer connections in unoccupied lots shall be so sealed to prevent the emission of any odors and the creation of breeding places for insects.
- 3) Garbage containers with tight fitting covers shall be provided in quantities adequate to permit the disposal of all garbage and rubbish. The containers shall be kept in sanitary condition at all times. The containers shall be located no farther than two-hundred-fifty (250) feet from any manufactured home lot, shall be stored in covered collecting enclosures and garbage shall be removed and disposed of as frequently as may be necessary to ensure that such containers shall not overflow. The operator of the manufactured home park shall provide for all trash removal services.
- 4) Manufactured homes which do not contain toilets, lavatory and tubs or showers shall not be permitted in any manufactured home park. Service buildings shall be provided as deemed necessary for the normal operation of the park. Such buildings shall be maintained by the owner or manager or the park in a clean, sightly and sanitary condition.
- 5) Each manufactured home lot shall be provided with weather-proof electric service connections and outlets which are a type approved by the New York State Board of Fire Underwriters.

**H. Recreation and Open Space**

- 1) Each manufactured home park shall provide common open space for the use of the occupants of the park.
- 2) Such open space shall be conveniently located in the park. Such space shall have a total area equal to at least fifty (50) percent of the gross land area of the park such that the net overall density of the park shall not exceed one (1) dwelling unit or manufactured home per 16,000 square feet of park land area.

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- 3) Any manufactured home park or more than ten (10) manufactured home sites shall provide, as part of its open space, areas for active recreational use. These recreation areas shall not include any wetlands, steep slopes or other land areas unusable for development and shall consist of contiguous land areas which can be used for active recreational activities such as ballfields. No less than 20% of the open space provided shall be dedicated to such recreational areas and no individual area so designated shall be less than two (2) acres in size. Each manufactured home park affected by this section shall provide at least one developed picnic area, including tables and benches, and a system of marked and improved trails or sidewalks connecting each manufactured home to the recreation and other open space areas created. Unless the park shall be restricted to senior citizens, it shall also include at least one improved ball field. These recreational improvements shall be included on the landscaping plans presented as part of the application package.

**I. Landscaping**

- 1) Ground cover shall be provided on those areas not used for the placement of manufactured homes and other buildings, walkways, roads and parking areas.
- 2) Screening acceptable to the Planning Board and Code Enforcement Officer shall provide for adequate shade and a suitable setting for the manufactured homes and other facilities. It shall include landscaping materials meeting the requirements of the Town of Jefferson Rural Land Development Law. A side or rear yard adjacent to an existing developed area shall be a minimum width or depth of 100 feet and the 50 feet nearest to the existing developed area shall be planted or screened with materials approved by the Planning Board and Code Enforcement Officer. Such screening shall be designed to create and maintain a high quality neighborhood character for existing residents as well as new manufactured home park residents. Natural landscape buffers shall be required as opposed to fencing or other artificial measures. It shall provide, to the maximum extent practical, for the effective screening of other development from the view of manufactured home residents and of all manufactured homes and accessory structures from view by adjoining. The Planning Board shall also require and approve a landscaping plan for the interior of the manufactured home park to buffer individual manufactured homes, provide shade and green areas and ensure a wholesome living environment.
- 3) Skirting acceptable to the Planning Board and Code Enforcement Officer shall be installed along the perimeter of each manufactured home, extending from the manufactured home stand to the floor of the manufactured home unit and fully screening the area beneath the unit from view. The landscaping plan required above shall also address landscaping of individual manufactured home sites and ensure effective separation of manufactured homes from each other for purposes of privacy as well as aesthetics.

**J. Register**

The owner or operator of each manufactured home park shall keep a register wherein there shall be recorded the name and permanent address of the owner and occupant of each manufactured home situated in the court, the registration number of the same, the date it was admitted and the date of its removal. Such register shall be signed by the owner of the manufactured home or the person bringing the same into the court. Such register shall be open for inspection to the Town Code Enforcement Officer, the Town Planning Board, the Town Board or the Town Assessor at all reasonable times. Registers shall be kept for a period of seven (7) years.



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**K. Fire District Approval and Firefighting Requirements**

- (1) No application for a manufactured home park license shall be approved unless and until the appropriate officer of the applicable Town fire district shall have reviewed the plans as well as the site and determined the district fire-fighting equipment can provide adequate coverage of the park and that there are no major obstacles in the design or layout of the facility to providing fire protection. The applicant shall document to the fire district and the Planning Board, that there is a fire hydrant(s), with sufficient capacity to meet the fire-fighting needs associated with the development, located on the site and convenient for easy access. Water storage facilities may be provided as an alternative to hydrants if the same are secured from access by small children.
- (2) If the fire district approval cannot be obtained because the district lacks the specific services and facilities needed to serve the proposed park, the Town shall be authorized, through its Planning Board and Code Enforcement Officer, to require a condition of special use and site plan approval as well as licensing hereunder, a financial contribution from the applicant toward providing those services or facilities. Such contribution shall be reasonable and directly related to the costs of serving the manufactured home park.

**L. Sales and Storage**

- 1) No sales of manufactured homes for off-site placement shall be permitted within the manufactured home park, excepting for previously occupied manufactured homes sold individually by residents of the manufactured home park. Also, no manufactured home shall be used for rental purposes except for temporary periods in those instances where an individual owner of such home, not including the manufactured home park operator, shall have placed such home on-site for purposes of personal occupancy and is no longer, for reasons of health or circumstance able to live there.
- 2) No individual manufactured home shall be placed anywhere within the Town of Jefferson for a period of six (6) months or more for any purpose other than use as a dwelling.
- 3) Storage of any unlicensed vehicles within a manufactured home park for a period six (6) months or more is prohibited.

**§ 5 ENFORCEMENT**

**A. Code Enforcement Officer**

The Code Enforcement Officer shall enforce all of the provisions of this Law and shall have the right at all reasonable times, to enter and inspect any manufactured home park or other premises used for the parking and placing of manufactured homes.

- 1) If the Code Enforcement Officer finds that a manufactured home park for which a license has been issued, is not being maintained in a clean and sanitary condition or is not being operated in accordance with the provisions of this Law, he may serve, personally or by certified mail to the holder of the license, a written order which will require the holder of the license to correct the conditions specified in such order within 10 days after the service of such order. The Code Enforcement Officer shall, for purposes of determining compliance with this Law, be authorized to make periodic inspections of all manufactured home parks and shall be provided

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entry to accomplish that task. The Town Board shall specify the frequency of such inspections and set fees to cover costs involved.

- 2) If the holder of such license shall refuse or fail to correct the condition or conditions specified in such order within ten (10) days after the service of such order, the Code Enforcement Officer may suspend such license and the holder of the license shall thereupon terminate the operation of such manufactured home park provided residents have been afforded adequate opportunities consistent with State and/or Federal law to relocate.
- 3) However, if the owner or operator of such manufactured home park shall thereafter correct such conditions and bring the manufactured home park into compliance with this Law, such owner may then apply for the issuance of a new license for such park and if the application is approved and a license granted, the applicant shall pay to the Town the fee required by this Law without any credit for the fee paid for the license which was revoked.
- 4) Any license which is not used for the purpose intended within two (2) years of the date of issuance as evidenced by placement of the home(s) on the designated site, shall automatically expire.
- 5) No license for a manufactured home park, or any portion of a manufactured home park, shall be issued unless and until all improvements as required herein, including landscaping and screening, have been physically installed, inspected and approved by the Code Enforcement Officer, excepting that roads shall be approved by the Town Highway Superintendent in consultation with the Town Engineer as may be required. In those instances where a manufactured home subdivision is to be created and individual lots are to be conveyed for purposes of placing a manufactured home, all required improvements will be installed or financially secured pursuant to Section 277 of the Town Law and all other requirements of the Town of Jefferson's Subdivision Law shall be met. Such subdivisions shall be subject to the development standards provided herein and in the Town Zoning and Subdivision Laws. Should the latter development standards and the standards herein conflict the more restrictive standard shall apply.

**B. Penalties**

- 1) Any person, partnership, association or corporation who violates any provision of this Law shall be guilty of an offense against this Law and subject to a fine of not less than one-hundred dollars (\$100) or more than three-hundred-fifty dollars (\$350). When a violation of any of the provisions of this Law is continuous, each day or portion thereof shall constitute a separate and distinct violation.
- 2) In addition to the above provided penalties, the Code Enforcement Officer may maintain a civil action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with this Law or to restrain, by injunction, the violation of this Law.
- 3) This § 8.0 is enacted pursuant to § 10 of the Municipal Home Rule Law and is intended to supersede § 135 of the New York State Town Law.

**§ 6 EXCEPTIONS**

None of the provisions of this Law shall be applicable to the following:

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- a) The business of manufactured home sales, except that where units are used as living quarters, they shall conform with the provisions of this Law
  - b) The storage of an unoccupied manufactured home, provided, however, that such unoccupied manufactured home shall not be parked or located between the street line and the front building line of any premises or within any required yard area.
  - c) A manufactured home located on the site of a construction project, survey project or other similar work project which is used solely as a field office or work or tool house in connection with such project, provided that such manufactured home is removed from such site within thirty (30) days after the completion of such project.
  - d) A modular house or factory-manufactured home, other than a double-wide manufactured home, which is prefabricated in sections, transported to the building site then fastened together and anchored to a permanent and totally enclosed masonry foundation and which has a minimum width of 24 feet for its entire length and contains a minimum of 960 square feet of usable living space.

**§ 7 VALIDITY AND NON-WAIVER**

- a) If any section, paragraph, subdivision or provision of this Law shall be found invalid, such validity shall apply to the section, paragraph, subdivision or provision adjudged invalid and the remainder of the Law shall remain valid and effective.
- b) The issuance of any permit or license pursuant to the provision of this Law shall not be deemed to waive compliance; by the holder thereof, by the property owner or by any occupant; of any court or manufactured home park statute of the State of New York Law or health regulation of the State of New York or the County of Delaware or the Town of Jefferson or of any provision of this Law.

**§ 8 WAIVERS**

The Planning Board may, for good cause shown, authorize waivers from the strict interpretation of the provisions of this Law affecting existing manufactured home parks and manufactured homes, excepting that it shall not waive any requirement which would otherwise require a variance of the Town of Jefferson Rural Land Development Law.

**A. Procedure for Waivers**

The owner of an existing manufactured home park or manufactured home outside a manufactured home park may apply for a waiver by filing an application with the Code Enforcement Officer together with an application for a license setting forth the reasons for the waiver.

**B. Fees**

Fees for waiver applications shall be established by resolution of the Town Board.